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HB 2166: DHS; licensure; group homes

Sponsor: Representative Dunn, LD 25

Transmitted to the Governor

Overview

Requires, beginning July 1, 2024, behavioral-supported group homes operated in Arizona by a service provider and under contract with the Arizona Department of Economic Security (DES) to be licensed for health and safety by the Arizona Department of Health Services (DHS).

History

Under current law, DHS is responsible for the licensure and regulation of Arizona health care institutions. These institutions are defined as every place, institution, building or agency, whether organized for profit or not, that provides facilities with medical, nursing, behavioral health, health screening, supervisory care, personal care, directed care or any other health-related services, including home health agencies, outdoor behavioral health care programs and hospice service agencies ([A.R.S. § 36-401](#)).

Group homes are community residential settings for not more than six individuals with developmental disabilities that are operated by service providers under contract with DES. These homes provide room and board, daily habilitation and other assessed medically necessary services and supports to meet the needs of each person. A group home does not include adult developmental homes, child developmental homes, nursing-supported group homes or intermediate care facilities for individuals with intellectual disabilities ([A.R.S. § 36-551](#)).

DHS is authorized to license and regulate the health and safety of group homes for persons with developmental disabilities. DHS must issue a license to an accredited facility for a 3-year accreditation period and conduct inspections to ensure that the facility meets health and safety licensure standards. Additionally, DHS establishes requirements for group homes through the Division of Developmental Disabilities (DDD) within DES (A.R.S. §§ [36-132](#) and [36-591](#)).

Provisions

1. Requires, beginning July 1, 2024, behavioral-supported group homes operated in Arizona by a service provider and under contract with DES to be licensed for health and safety by DHS. (Sec. 1 and 6)
2. Forbids the DHS Director from accepting an accreditation report in lieu of a compliance inspection of a nursing-supported group home. (Sec. 2)
3. Includes behavioral-supported group homes in the definition of *community residential setting*. (Sec. 3)
4. Modifies the definition of *group home* to specify that a behavioral-supported group home is not a group home. (Sec. 3)

5. Exempts behavioral-supported group homes that are licensed by DHS from the licensure requirement for a community residential setting regarding contracts for the purchase of residential care services. (Sec. 4)
6. Requires DDD to notify DHS of service providers that it enters into contracts with for behavioral-supported group homes. (Sec. 5)
7. Directs DHS to immediately notify DDD:
 - a) when the license of a behavioral group home has been denied, suspended or revoked; and
 - b) of any other licensing action taken on a behavioral-supported group home. (Sec. 5)
8. Requires DES to take any action it deems necessary to carry out its duties, including denying the application for licensure and suspending or revoking the behavioral supported group home's license. (Sec. 5)
9. Prescribes the types of rules that the DES Director must adopt regarding behavioral-supported group homes, including:
 - a) ensuring that client's behavioral treatment plans are developed, integrated, coordinated and monitored by clinical professionals that meet specified training, experience and education requirements;
 - b) requiring direct care staff in a behavioral-supported group home to meet specified experience and training standards;
 - c) ensuring clients have an integrated treatment plan that is reviewed by the entire multidisciplinary team every 90 days to determine the effectiveness of the plan interventions; and
 - d) ensuring that clients have a functional behavioral assessment completed by a qualified clinical professional in consultation with a multidisciplinary team. (Sec. 6)
10. Specifies that the multidisciplinary team be composed of, if appropriate:
 - a) psychiatric, medical, nursing and nutrition providers;
 - b) physical, occupational and speech therapists;
 - c) educational personnel;
 - d) behavioral health providers;
 - e) group home direct care staff;
 - f) home health personnel;
 - g) day program staff;
 - h) client, their family or guardian; and
 - i) DDD representatives. (Sec. 6)
11. Defines the following terms:
 - a) *behavioral-supported group home*;
 - b) *behavioral treatment plan*; and
 - c) *integrated treatment plan*. (Sec. 3, 4, 5)
12. Exempts DHS and DES from rulemaking requirements for 18 months. (Sec. 7)
13. Makes technical and conforming changes. (Sec. 1-3)